

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

In re:	*	Case No. 2:23-bk-53043
	*	
WELCOME GROUP 2, LLC, <i>et al.</i> , ¹	*	Chapter 11
	*	Judge Mina Nami Khorrami
Debtors.	*	
	*	Jointly Administered

**NOTICE OF DEBTORS/DEBTORS-IN-POSSESSION'S FOURTH MOTION FOR ORDER
EXTENDING DEBTORS' EXCLUSIVITY PERIODS TO FILE AND SOLICIT
ACCEPTANCES OF A PLAN OF REORGANIZATION**

The above-captioned Debtors and Debtors-In-Possession (collectively the "Debtors") have filed a Fourth Motion for Order Extending Debtors' Exclusivity Period to File and Solicit Acceptances of a Plan of Reorganization, a copy of which is attached hereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the Motion, then on or before **twenty-one (21) days from the date set forth in the Certificate of Service for the Application**, you must file with the Court a response explaining your position by mailing your response by regular U.S. Mail to:

U.S. Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215

OR your attorney must file a response using the Court's ECF system.

If you mail your request and response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also send a copy of your response either by 1) the Court's ECF system or 2) regular U.S. Mail to:

**Thomsen Law Group, LLC, Counsel for Debtor, 140 North Main Street, Suite A,
Springboro, OH 45066**

Office of the U.S. Trustee, 170 North High Street, Columbus, OH Suite 200, 43215

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Application and may enter an order granting that relief without further hearing or notice.

¹ The Debtors and the last four digits of their federal tax identification numbers are as follows: Welcome Group 2, LLC (6795), Hilliard Hotels, LLC (6063), and Dayton Hotels, LLC (1123). The Debtors' headquarters are located at 5955 E. Dublin Granville Road, New Albany, Ohio 45305.

Date of Service: September 19, 2024

/s/ Darlene E. Fierle

Darlene E. Fierle (0081217)

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Counsel for Debtors and Debtors-In-Possession

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WELCOME GROUP 2, LLC, <i>et al.</i> , ²	*	Chapter 11
	*	Judge Mina Nami Khorrami
Debtors.	*	
	*	Jointly Administered

**DEBTORS' AND DEBTORS-IN-POSSESSION'S FOURTH MOTION FOR ORDER
EXTENDING DEBTORS EXCLUSIVITY PERIODS TO FILE AND SOLICIT ACCEPTANCES
OF A PLAN OF REORGANIZATION**

COME NOW the above-captioned Debtors and Debtors-In-Possession (collectively the "Debtors"), by and through counsel, and pursuant to 11 *U.S.C.* §1121(d), respectfully requests that this Court extend the exclusivity deadline for filing a plan of reorganization in 11 *U.S.C.* §1121(c)(2) up to and including February 28, 2025 and correspondingly extend the deadline under 11 *U.S.C.* Section 1121(c)(3) to May 30, 2025 to file a plan that has been accepted by each impaired class of claims or interests . A Memorandum in support of this Motion is set forth below.

Date: September 19, 2024

Respectfully submitted,

/s/ Darlene E. Fierle

Darlene E. Fierle (0081217)

Denis E. Blasius (0082617)

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Counsel for Debtors and Debtors-In-Possession

² The Debtors and the last four digits of their federal tax identification numbers are as follows: Welcome Group 2, LLC (6795), Hilliard Hotels, LLC (6063), and Dayton Hotels, LLC (1123). The Debtors' headquarters are located at 5955 E. Dublin Granville Road, New Albany, Ohio 45305.

MEMORANDUM IN SUPPORT

1. On September 1, 2023 (the “Petition Date”), the Debtors filed their voluntary petitions for relief under Chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of Ohio, Eastern Division.

2. The Debtors continue to manage their businesses as a Debtors-in-Possession pursuant to 11 *U.S.C.* §§1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in the Debtors’ case.

3. This Court has jurisdiction over this matter pursuant to 28 *U.S.C.* §§157 and 1334. This is a core proceeding pursuant to 28 *U.S.C.* §157(b). The venue of this chapter 11 case and this Motion is proper pursuant to 28 *U.S.C.* §§1408 and 1409.

4. Under 11 *U.S.C.* §1121(b)(2), only the Debtors may file a plan until 120 days after the Petition Date (the “Exclusivity Period”). The Exclusivity Period deadline for debtors to file a plan of reorganization in the instant proceeding under 11 *U.S.C.* §1121(b) first was set to expire on December 30, 2023 and was extended to February 29, 2024 by Order of the Court (*Doc.* 143). Under 11 *U.S.C.* Section 1121(b)(3), the Debtor would have 180 days from the filing of the order of relief to obtain acceptance of a plan by each class of impaired claims or interests (the “Plan Acceptance Period”). The Plan Acceptance Period first was set to expire on February 28, 2024.

5. On February 22, 2024 the Court entered the Order Extending Debtors’ and Debtors-in-Possession’s Exclusive Periods to File and Solicit Acceptances of a Plan of Reorganization (*Doc.* 164), extending the Debtors’ Exclusivity Period to May 31, 2024 and the Plan Acceptance Period to July 31, 2024.

6. On May 1, 2024, Debtors filed *Debtors' and Debtors-In-Possession's Third Motion for Order Extending Debtors Exclusivity Periods to File and Solicit Acceptances of a Plan of Reorganization* (Doc. 217). On May 30, 2024 the Court entered the Order Extending Debtors' and Debtors-in-Possession's Exclusive Periods to File and Solicit Acceptances of a Plan of Reorganization (*Doc. 237*), extending the Debtors' Exclusivity Period to October 31, 2024 and the Plan Acceptance Period to December 30, 2024.

7. Courts have consistently held that, in order to obtain extension under 11 *U.S.C.* §1121(d), “an affirmative showing of cause, supported by evidence, be made by the party seeking the extension or reduction of time.” *In re Ravenna Industries, Inc.*, 20 B.R. 886 (Bankr. ND OH 1982)³. As is explained in detail herein, more than sufficient cause exists to grant the requested extensions.

8. There are currently pending before the Court for determination three pending motions: (i) Hilton Franchise Holdings, LLC Motion for Relief from Stay (*Doc. 166*) (the “Hilton Motion”); (ii) RSS WCFM2019-C50 – OH WG2 LLC’s (“RSS”) Motion for Relief from the Automatic Stay for 1600 Hampton Court, Sidney, Ohio 45365 (*Doc. 179*) (the “RSS Motion”); and (iii) RSS’s Motion to Appoint an Examiner (*Doc. 172*) (the “Examiner Motion”).

9. The Hilton Motion, RSS Motion, and Examiner Motion’s outcomes will have a substantial impact on the formation by the Debtors of a Plan of Reorganization.

³ The Ravenna Court also held that an extension granted under 11 *U.S.C.* §1121 (c)(2) (Exclusivity Period) operates an automatic extension under 11 *U.S.C.* §1121(c)(3) (Plan Acceptance Period). Nonetheless, Debtors have moved to extend both periods herein. It should be noted that the Debtor in the Ravenna case had requested its ninth extension, being granted eight previous extensions.

10. While the Court has recently rendered its decision as to the issue of the actual v hypothetical test (*Doc. 249*), there is still discovery ongoing and remaining issues in the Hilton Motion to be determined by this Court, which will not likely be finalized before the Court for several months.

11. A final decision on the RSS Motion and Examiner Motion are not likely to be handed down for several months as the briefing deadlines are currently set for October. Further, the parties are still working on the issues presented in the Examiner Motion.

12. The combination of the above factors establishes sufficient cause to grant the extensions requested herein.

13. This is the fourth request to extend the exclusivity deadline and the third request to extend the deadline to obtain an acceptance of a plan.

14. No prejudice will be suffered by parties-in-interest as a result of an extension of the Exclusivity Period and Plan Acceptance Period requested herein. The proposed extensions are being requested in good faith and are in the best interests of the creditors and the estate. A Proposed Order granting this Motion is appended hereto.

WHEREFORE, Debtors Welcome Group 2, LLC, Dayton Hotels, LLC, and Hilliard Hotels, LLC respectfully requests that the Court extend the Exclusivity Period up to and including February 28, 2025 and the Plan Acceptance Period up to and including May 30, 2024.

Date: September 19, 2024

Respectfully submitted,

/s/ Darlene E. Fierle

Darlene E. Fierle (0081217)

Denis E. Blasius (0082617)

Ira H. Thomsen (0023965)

Thomsen Law Group, LLC

140 North Main Street, Suite A

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dfierle@ihtlaw.com

Counsel for Debtors and Debtors-In-Possession

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 19, 2024, a copy of the foregoing ***Debtors' and Debtors-In-Possession's Fourth Motion for Order Extending Debtors' Exclusivity Period to File a Plan of Reorganization and Acceptance of a Plan*** was served on all registered ECF participants, electronically through the court's ECF System at the e- mail address registered with the court and by regular U.S. Mail, postage prepaid, upon the following:

The Combined Largest Twenty (20) Unsecured Creditors Listed below:

AEP OH
P.O. Box 371496
Pittsburgh, PA 15250-7496

AES OH
P.O Box 2631
Dayton, OH 45401-2631

Site Search, LLC
55 Buttercup Court
Marco Island, FL 34145

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Onity, Inc.
4001 Fairview Industrial Drive
SE Salem, OR 97302

Mailender
P.O. Box 23158
New York, NY 10087-3158

Best Western International, Inc.
P.O. Box 842700
Los Angeles, CA 90084-5080

Columbia Gas of Ohio, Inc.
290 W. Nationwide Blvd, Unit
114
Columbus, Ohio 43215

Montgomery County
Environmental
1850 Spaulding Rd.
Kettering, OH 45432

Charter Communications
P.O. Box 6030
Carol Stream, IL 60197-6030

Montgomery County Board of
Comm.
451 W Third St.
Dayton, OH 45422

Direct TV
2260 E. Imperial Hwy.
El Segundo, CA 90245

Sysco - Cincinnati
10510 Evendale Dr.
Cincinnati, OH 45241

U.S. Foods, Inc.
9399 W. Higgins Road, Suite
100 Rosemont, IL 60018

Expedia
P.O. Box 844120
Dallas, TX 75284-4120

Montgomery County Convention Fac 22 E. 5th Street Dayton, OH 45402	Muskingum County Convention ATTN: Downtown CSR 113 N. 5th St. Zanesville, OH 43701	Washington Township Trustees 8200 McEwen Road Dayton, OH 45458
Muskingum County Board of Commissioners 401 Main Street Zanesville, OH 43701	Muskingum County Utilities 375 Richards Rd. Zanesville, OH 43701	A.C.E. c/o Anna Gibson 4127 Winners Circle, Apt 216 Sarasota, FL 34238
U.S. Small Business Administration 200 W. Santa Blvd., Suite 740 Santa Ana, CA 92701	Ohio Dept. of Taxation ATTN: Bankruptcy Division 30 E. Broad Street, 21st Fl. Columbus, OH 43215	Epro Services 1491 Polaris Parkway, #217 Columbus, OH 43240
Ohio Bureau of Workers' Compensation 30 W. Spring St., Columbus, OH 43215-2256	Wilson Memorial Hospital 915 W. Michigan St. Sidney, OH 45365	Miracle Method of Columbus 1575 Integrity Drive E Columbus, OH 43209
Gordon Food Services, Inc. P.O. Box 88029 Chicago, IL 60680-1029	Donnellon McCarthy 10855 Medallion Drive Cincinnati, OH 45241	The Ohio Painting Company 3040 S. Tech Blvd. Miamisburg, OH 45342
DeBra Kuempel P.O. Box 701620 Cincinnati, OH 45270	Otis Elevator 321 S. Main Street Dayton, OH 45402	City of Sidney – Utility 201 W. Poplar Street Sidney, Ohio 45365
Servicemaster 1524 E. 2nd Street Dayton, OH 45403	Mega City Fire & Security 8210 Expansion Way Dayton, OH 45424	A+ Lawncare 3970 New Riley Road Dresden, OH 43821
IGEL 2040 Alum Creek Drive Columbus, Ohio 43207	City of Sidney 201 W. Poplar Street Sidney, Ohio 45365	

/s/ Darlene E. Fierle

Darlene E. Fierle (0081217)

Counsel for Debtors/Debtors-In-Possession

PROPOSED ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:	*	Case No. 2:23-bk-53043
	*	
WELCOME GROUP 2, LLC, <i>et al.</i>,⁴	*	Chapter 11
	*	Judge Mina Nami Khorrami
Debtors.	*	
	*	Jointly Administered

**ORDER EXTENDING DEBTORS' AND DEBTORS-IN-POSSESSION'S EXCLUSIVE PERIODS
TO FILE AND SOLICIT ACCEPTANCES OF A PLAN OF REORGANIZATION**

This matter came on before the Court on the Debtors' and Debtors-In-Possession's Fourth Motion for an Order Extending Exclusivity Period to file a Plan of Reorganization (*Doc. ____*) and an Order extending the period for acceptance of a plan (the "Motion"), and the Court has reviewed the Motion and finding good cause to grant the relief requested thereto approves same. It is therefore

⁴ The Debtors and the last four digits of their federal tax identification numbers are as follows: Welcome Group 2, LLC (6795), Hilliard Hotels, LLC (6063), and Dayton Hotels, LLC (1123). The Debtors' headquarters are located at 5955 E. Dublin Granville Road, New Albany, Ohio 45305.

ORDERED that the Exclusivity Period⁵ deadline for the Debtors to file plan of reorganization is hereby extended up to and including February 28, 2025 and the Plan Acceptance Period in extended to May 30, 2025.

IT IS SO ORDERED.

Copies to:

Default List Plus Top 20

⁵ Unless otherwise defined herein, all capitalized terms shall have the meaning ascribed to them in the Motion.